

**WILLIAMSBURG CITY COUNCIL
FEBRUARY 8, 2007
MINUTES**

The Williamsburg City Council held its regular monthly meeting on Thursday, February 8, 2007 at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler and Messrs. Haulman, Chohany, Freiling and Braxton. Also present were Assistant City Manager Miller, City Attorney Phillips, and City Clerk Crist. Mr. Tuttle was out of town.

Staff Attending: Department Heads Clayton, Nester, Hudson, Weiler, Serra, and Deputy Police Chief Sloggie.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

Mayor Zeidler announced that today's meeting will not be televised because of technical problems with the server. The meeting will be rebroadcast on the regularly scheduled dates and times.

COUNCIL MINUTES

Mr. Haulman Moved That City Council Approve the Minutes of January 8 and 11, 2007. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

MATTERS OF SPECIAL PRIVILEGE

Implementation of Comprehensive Plan Process: Mayor Zeidler said that many people have requested additional time to talk about the implementation and recommendations of the Comprehensive Plan. Council has been following the implementation schedule developed by the planning staff. To ensure that adequate time has been provided to receive and consider citizen input, the Mayor suggested the schedule be modified. Planning Commission will hold its public hearing on the Center City North rezoning in March and subsequently will make its recommendation to Council. She suggested Council receive the recommendation of the Commission before setting a date for its public hearing. The implementation schedule could be modified so that decisions could be made one issue at a time, and some items may not take as long as others.

Council members discussed the Mayor's suggestion. Mr. Nester explained the upcoming implementation schedule for three major areas in the city over the next few months. Council could resolve the Center City North issue before moving on to the next issue; there was no urgency. Council members concurred to request that Mr. Nester prepare a modified implementation schedule, and that they will first receive the Planning Commission's

recommendation concerning Center City North before deciding to schedule the Council public hearing.

PUBLIC HEARINGS

PCR #06-036: Amending of the Zoning Ordinance, Article VII, Site Plans, by revising procedures to allow Zoning Administrator to approve certain site plans, *Proposed Ordinance #07-11*

PCR #06-037: Amending of the Subdivision Ordinance to require approval procedures for minor subdivision plats, boundary line adjustments, and development plans, *Proposed Ordinance #07-12*

PCR #06-038: Amending of the Zoning Ordinance to allow city playgrounds, parks, and athletic fields as a permitted use in all zoning districts; city buildings as a special use permit in residential zoning districts, and as a permitted use in all non-residential districts, *Proposed Ordinance #07-13*

Reference for the three items was Mr. Nester's report dated February 8, 2007. Mr. Nester said that the proposed ordinances are all related and were developed to streamline the plan review process. Planning Commission reviewed these items at several work sessions. Using Powerpoint slides, Mr. Nester summarized the modifications to the site plan review process, the subdivision review process, and the process for review of public parks and public buildings (attached). Planning Commission held a public hearing on these items and unanimously recommended that the changes be approved.

Council members and Mr. Nester discussed:

- The current versus the proposed site plan review process.
- Referral from the Site Plan Review Committee to the full Planning Commission.
- Process for review of athletic fields.
- Administrative approval of minor site plans by the committee.
- Architectural Review Board review in addition to site plan review.
- The appeal process. Appeal by affected and aggrieved persons in close proximity to the property in question.

Mayor Zeidler opened the public hearing on the three items.

Victor Smith, 646 Counselor's Way, addressed City Council members about the proposals. He had spoken at a previous Council meeting about the review processes, especially his concerns about transparency and input from citizens. Neighbors are not the only people that should have input. When the Planning Commission discusses an item, all citizens should be notified. Some items could be addressed as consent agenda items, but not removed from oversight or open participation. Sometimes clarification or further review are needed. He asked that Council vote for openness and choice. By-right development authority in business districts goes hand in hand with his concerns about the LB-1 District and the Comp Plan process. He thanked Council for slowing down the implementation process. Transparency and participation by the community should be encouraged. He asked that Council defeat item A and C above, but noted he was now concerned about item B.

No one else wished to speak.

The hearing was closed.

Further discussion:

- Mr. Nester explained the full review process through the Site Plan Review Committee and by the full Planning Commission. The added review by Planning Commission adds one month to the review process.
- Mr. Chohany was concerned about the need for efficiency, openness, and the involvement of the public. He liked many aspects of the proposals.
- At Mr. Braxton's request, Mr. Nester explained the methods of notification to adjoining property owners and those in close proximity.
- Concerns about adequately notifying the public about review items.
- A more formal site plan review process, requiring an agenda and minutes.
- Mr. Haulman suggested postponement of these items until after implementation of the Comprehensive Plan.
- Mr. Nester explained that Council asked the Planning Commission to look at plan review procedures to make them more streamlined at the time of Council's review of the Kiwanis Park improvement issue.
- Mr. Nester explained how the proposed procedures affect transparency and input. Citizens could sign up to be placed on the city's e-mail notification list for information about Site Plan Review Committee meetings. Mr. Nester said staff is moving quickly toward making maximum use of the website to keep citizens informed.
- Site plan review to ensure that basic zoning standards are met.
- Mr. Freiling addressed comparison of the current site plan review process versus the proposed process.
- Mr. Chohany suggested exploring ways to enhance citizen notification of site plan review, such as mass e-mail.
- Public buildings as a use by right in non-residential districts.
- Mayor Zeidler noted that the new process does allow more citizens to be engaged early in the process, but it does create another formal meeting.
- Mr. Haulman thought that Council should wait to see what ideas come out of the Comp Plan process regarding communication with citizens and how it might affect the proposed mechanisms and processes.
- The city's technological ability to communicate with citizens via e-mail. Mr. Chohany felt better about the proposals knowing that the city has that ability to communicate with citizens.

Mr. Haulman Moved That City Council Postpone Action on the Proposed Ordinances #07-11, #07-12 and #07-13, Until After the Implementation of the Comprehensive Plan is Completed. Mr. Freiling Seconded the Motion.

Mr. Freiling commented that some of what is proposed is an improvement. While he was disappointed not to implement the changes now, he did not have a problem with postponing if Council and the community were comfortable with waiting. Mr. Haulman thought the public had a lot on its plate and believed that what is learned during the Comp Plan process would help to further refine the review processes.

Mr. Chohany thought that some of the proposals were enhancements, with the proper notices, and would help to free up staff time to do other meaningful tasks. He was not convinced that postponing was the right thing to do.

Mayor Zeidler said she was not sure it would free up staff time because the Site Plan Review Committee will be a formal body, which will open the site plan review process to more scrutiny and more input.

Mr. Chohany noted that some issues would be handled by the Zoning Administrator, which would free up Planning Commission's meeting time.

Mr. Freiling said our current process is a good one and nothing will be lost by waiting. Mr. Nester said the current process is working and there is no down side to waiting.

Mr. Braxton supported postponement and encouraged better communication with the public.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman

No: Chohany

PCR #06-048: Request of Living Proof Baptist Church for a Special Use Permit to Locate at 309 Waltz Farm Drive Zoned RS-2 Single Family Dwelling District.

Reference for this item was Mr. Nester's report dated February 8, 2007. Ms. Murphy showed a slide of the property on Waltz Farm Drive and reported that the Living Proof Baptist Church is requesting a special use permit to allow the use of the property for a church. This same building was the former site of the New Town Methodist Church before it moved to its new location. The RS-2 zoning designation permits churches with approval of a SUP. The gymnasium will be used for the sanctuary and offices opened during the week. The Planning Commission held a public hearing on the SUP and recommended approval with four conditions.

Mayor Zeidler opened the public hearing.

Delbert Curtis, 204 Pleasant Springs Road, Church Trustee, spoke on behalf of the church. The church has no problem with the conditions imposed by the Planning Commission. He has looked at the drainage system and the corrections and repairs will be made.

Claudia Lawson, 401 Waltz Farm Drive, said she lives 50 feet from the property. She appreciated the repairs that will be made and was especially concerned about the drainage from the property onto their residential lot. She noted there was mold on the inside and outside of the building. She appreciated her new neighbor.

Ms. Murphy explained the drainage system that is in place on the property. The church would have to give permission for the interior to be inspected for the mold.

Mr. Curtis granted permission for the inspection, said he would appreciate an inspection of the building, and that the church would start work on the drainage system.

Mr. Freiling Moved Approval of the Special Use Permit as Recommended by the Planning Commission With Four Conditions:

- 1. Approval for five years, expiring on February 29, 2012.*
- 2. Cleaning and painting of the building and light poles in the parking lot by May 1, 2007.*
- 3. Constructing a wooden dumpster enclosure around the relocated dumpster by May 1, 2007.*
- 4. Cleaning and painting the gutters to make them functional, and connecting them to the internal storm drainage system by May 1, 2007.*

The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

PCR #07-001: Request of G-Square Inc. to Amend the Zoning Ordinance to Add Radio and Television Broadcasting Stations, Studios, and Offices (excluding onsite towers) as a Special Use Permit Use in the Limited Business District, *Proposed Ordinance #07-14; and*

PCR #07-002: Request of G-Square Inc., for a Special Use Permit to Allow a Radio Broadcasting Station at 1005 Richmond Road. The property is zoned Limited Business District.

Reference for this item was Mr. Nester's report dated February 8, 2007. Ms. Murphy reported that G-Square is proposing to amend the LBR District of the Zoning Ordinance to allow radio and television broadcasting station (WMBG), studios, and offices without onsite towers with a special use permit. G-Square proposed an office suite on the second floor of the building be used for the broadcast studio and two small antennas (26" x 4") be installed on the roof. The Comprehensive Plan designates this area as Mixed Use Land Use and provides flexibility for residential and commercial uses. Planning Commission held a public hearing on this request and recommended that Proposed Ordinance #07-14 be approved and that the Special Use Permit be approved with contingencies. Ms. Murphy said the applicant was present.

Ms. Murphy answered a few questions about the proposal. Mr. Greg Granger, G-Square, came forward and brought a sample of the small antenna proposed to be placed on the roof.

Mayor Zeidler opened the public hearing.

No one wished to speak. The hearing was closed.

Mr. Chohany Moved That City Council Adopt Proposed Ordinance #07-14, An Ordinance Amending the Code of the City of Williamsburg, Chapter 21, Zoning, LBR District, Sec. 21-264(9), Adding Radio and Television Broadcasting Stations as A Special Use Permit Use, and Approve the Special Use Permit for 1005 Richmond Road for a Radio Broadcasting Studio, Contingent Upon the Following:

- 1. No satellite dishes or towers allowed for the broadcast studio.*
- 2. Two 26-inch antennas installed on the roof of the building as shown on a sketch.*
- 3. Special Use Permit approved for G-Square only.*

The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

(See Attached Adopted Ordinance #07-11)

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

Mr. Serra explained that the reported monthly room and meal taxes fluctuate depending on situations, such as the recent fire at the Blue Talon.

Monthly Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

City Manager Reports

Acceptance of Certain Streets Into the City's Street System, *Proposed Resolution #07-01*

Reference for this item was Mr. Tuttle's report dated January 25, 2007. Mr. Tuttle explained that Shaindel Drive in the Brandywine Subdivision, and both newly constructed Treyburn Drive and Richmond Road (widened section from Monticello Avenue to By-Pass Road) was included on this list. The city receives maintenance funds from VDOT for the streets meeting its requirements.

Mr. Freiling Moved That City Council Adopt Proposed Resolution #07-01, A Resolution Accepting Certain Streets Into the City of Williamsburg Street System and Requesting Maintenance Funds from the Virginia Department of Transportation. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

(See Attached Adopted Resolution #07-01)

City Attorney Reports

Amendment to City Code, Animal Cruelty and Dangerous or Vicious Dog, *Proposed Ordinance #07-10*

Reference for this item was Mr. Phillip's report dated January 23, 2007. Mr. Phillips said that the General Assembly amended the Code of Virginia regarding cruelty to animals and dangerous and vicious dogs. The proposed ordinance will bring the city's code into conformity with State Code. The ordinance, drafted by Ms. Workman, was reviewed by the Animal Control Officer for the city/county.

Mr. Freiling Moved That City Council Adopt Proposed Ordinance #07-10, An Ordinance to Amend and Restate Sec. 4-9 of Article I and 4-36 of Article II, Chapter 4 of the Williamsburg Code Pertaining to Animal Cruelty and Dangerous or Vicious Dogs. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None (See Attached Adopted Ordinance #07-10)

NEW BUSINESS

Citizen Notification: Mr. Chohany suggested an initiative that by use of the *Quarterly Quill* and/or invoice mailings, the city be proactive and encourage citizens to provide the city with their e-mail address, indicating their areas of interest, in order to be notified via e-mail about city activities and events. Mayor Zeidler asked the City Manager and staff to look into the use and value of this initiative. Mr. Freiling recognized the work of city staff to promote notification, and to notify citizens during the recent Comprehensive Plan adoption process.

OPEN FORUM

Mayor Zeidler asked for comments.

Mr. John Hall, city resident, addressed Council about the feasibility of building a new public library in Williamsburg, with an education building and public auditorium on the same complex. He suggested state money and federal be available for planning and feasibility studies. He felt there should be public dialog about the project, and suggested that private money could be raised for the project. He would be pleased to meet with anyone to discuss his proposal.

Nanci Bond, Suri Drive, thanked Council for slowing the implementation of the Comprehensive Plan. Ms. Bond was concerned about case #06-039. It called for a name change, revision of intent, and added uses along entrance corridors. These added uses could be less than unsightly. The front, side, rear yard requirements have been changed, and it is hard to follow these changes and the kinds of differences, locations, and the impact of the differences. It is hard to analyze, evaluate, compare, and judge the changes in the time provided. She asked for more time to study and have thoughtful input, and she was pleased that Council had done that. The residents care about their city.

Victor Smith thanked Council for their action and discussion today. Regarding the earlier public hearings about review processes, one of his concerns was that there was no avenue for dialog. Mr. Smith suggested that any e-mail addresses provided by citizens be electronically protected. Some folks do not have e-mail and they should continue to receive posted mail.

No one else wished to speak. The session was closed.

CLOSED SESSION

Mr. Haulman Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph one concerning appointments to boards and commissions. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 3:58 p.m. The Mayor called a five-minute recess.

At 4:35 p.m., Council met in Open Session.

Mr. Haulman Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

CERTIFICATION OF CLOSED MEETING

Date: February 8, 2007

Motion: Mr. Haulman Second: Mr. Chohany

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed, or considered by the City of Williamsburg.

VOTE:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 4:36 p.m.

Adopted: March 8, 2007

Jeanne Zeidler, Mayor

Shelia Y. Crist
Clerk of Council